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March 24, 2017

**Via electronic mail**

Honorable Valerie E. Caproni  
United States District Judge  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *United States v. Joseph Percoco, et al.*, No. 16-CR-776 (VEC) (S.D.N.Y.)

Dear Judge Caproni:

We are counsel for Defendant Louis Ciminelli. This supplemental letter is jointly submitted on behalf of Mr. Ciminelli, Defendant Michael Laipple, and Defendant Kevin Schuler (the “Buffalo Defendants”), in support of their letter motion (filed today at Docket #132) to excuse their personal appearance for the status conference on April 6, 2017.

The additional information supporting the request for waiver of appearance relates to Mr. Ciminelli’s health condition and his ongoing treatment. Mr. Ciminelli’s [REDACTED] is ongoing. As the Court recalls, Dr. [REDACTED], Mr. Ciminelli’s treating physician, advised that he “strongly requested that [Mr. Ciminelli] stay here in town [Scottsdale, Arizona] so as to strictly adhere to the [REDACTED] over the next several months.” Exhibit A to the Sealed Declaration of Daniel C. Oliverio, dated February 6, 2017 (filed under seal). The recommendation was that Mr. Ciminelli “avoid the physical and personal stress of extensive travel during the course of his treatment.” *Id.* For the recuperative period (that follows the initial treatment), [REDACTED] “strongly recommend[s] that Mr. Ciminelli be at his home either here or in Buffalo where he can be close to his treating and consulting physicians.” *Id.*

In the last week of March (the week before the scheduled court appearance), Mr. Ciminelli must travel from Scottsdale/Phoenix to Buffalo to attend to a personal business matter. He will also be visiting his family in Buffalo. And, he has an appointment scheduled on March 28, 2017 (at 4 p.m.) in Buffalo with [REDACTED] who discovered Mr. Ciminelli’s condition and is participating in his care and treatment. Mr. Ciminelli must then return to Scottsdale for his regularly-scheduled [REDACTED] at the Mayo Clinic in Scottsdale on Monday April 3, 2017. If he is required to appear in New York

City on April 6, 2017, he will have to, shortly after his [REDACTED], commence another cross-country trip to New York for the status conference.

Given this combination of circumstances, and the increased physical stress that the travel will cause while treatment is ongoing, we respectfully request that the Court accept Mr. Ciminelli's waiver of appearance.

We request that the unredacted version of this supplemental letter be filed under seal. In the electronic mail message to Chambers transmitting this document, we have included proposed redactions for the Court's review and approval before the redacted letter is publicly filed.

If you have any questions, please contact me at (716) 848-1433.

Respectfully yours,

s/Daniel C. Oliverio  
Daniel C. Oliverio

DCO/dcb

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